

ABSTRAK

Dalam Putusan Pengadilan Negeri Tanjung Karang Nomor: 13/Pid.Sus/2022/PN.Tjk , terdapat perkara dimana Terdakwa diduga dengan sengaja melakukan perbuatan permufakatan jahat dalam peredaran gelap narkoba melanggar Pasal 114 Ayat (2) Jo Pasal 132 Ayat (1) dan / atau Pasal 112 Ayat (2) Jo Pasal 132 Ayat (1) UU No 35 Tahun 2009 Tentang Narkotika , Penuntut umum tidak mampu menghadirkan barang bukti dikarenakan isi informasi barang bukti bersifat rahasia , Majelis Hakim telah sepakat untuk Penuntut Umum tidak menghadirkan bukti percakapan yang ada di Handphone yang disita dari Terdakwa sehingga dalam persidangan, tidak hadirnya barang bukti tersebut berakibat pada penjatuan bebas oleh Majelis Hakim.

Demi proses penegakkan hukum Jaksa dan Penyidik berdasarkan Pasal 15 Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi memiliki kewenangan untuk mengakses isi dari sebuah bukti elektronik dan berdasarkan Undang-Undang Nomor 14 Tahun 2008 Tentang Keterbukaan Informasi Publik pada Pasal 18 Ayat 3 Majelis Hakim maupun Jaksa Penuntut Umum dapat untuk membuka akses Informasi tersebut dalam pemeriksaan di persidangan demi penegakkan hukum

Berdasarkan fakta-fakta dalam persidangan bahwa dalam proses penyidikan harus betul-betul di teliti dan dicermati. Dalam proses pemeriksaan dan mencari barang serta alat bukti bisa memeriksa lebih jauh agar betul-betul meyakinkan hakim bahwa seseorang telah melakukan tindakpidana dan tujuan hukum acara pidana untuk mencapai kebenaran materiil dapat diperoleh .

Kata Kunci : Pertimbangan hakim , Barang Bukti , Informasi yang bersifat rahasia , Narkotika

ABSTRACT

In the Decision of the Tanjung Karang District Court Number: 13/Pid.Sus/2022/PN.Tjk, there is a case where the Defendant is suspected of deliberately committing an Act of Evil Conspiracy in Illegal Circulation of narcotics violating Article 114 Paragraph (2) Jo Article 132 Paragraph (1) and / or Article 112 Paragraph (2) Jo Article 132 Paragraph (1) Law No. 35 of 2009 Concerning Narcotics, the public prosecutor is unable to present evidence because the information content of the evidence is confidential, the Panel of Judges has agreed that the Public Prosecutor does not present evidence of existing conversations in the cell phone that was confiscated from the Defendant so that during the trial, the absence of the evidence resulted in the panel of judges acquitting him.

For the sake of the law enforcement process, prosecutors and investigators based on Article 15 of Law Number 27 of 2022 concerning Protection of Personal Data have the authority to access the contents of an electronic evidence and based on Law Number 14 of 2008 concerning Public Information Disclosure in Article 18 Paragraph 3 of the Panel of Judges as well as the Public Prosecutor may open access to this information during examinations at trial for the sake of law enforcement

Based on the facts during the trial, the investigation process must be thoroughly scrutinized and scrutinized. In the process of examining and searching for goods and evidence, further investigation can be carried out so that the judge can truly convince that someone has committed a crime and the purpose of criminal procedural law is to achieve material truth.

Key Word : Consideration of judges, evidence, confidential information ,
Narcotics